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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,935	01/11/2002	Petri Nykanen	NOKM.018PA	9367

7590 07/11/2005

CRAWFORD MAUNU PLLC  
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ST. PAUL, MN 55120

EXAMINER
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WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,935

Applicant(s)

NYKANEN ET AL.

Examiner

Stephan F Willett

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/17/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC 103*

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. with Patent Number 6,167,449 in view of Cavanaugh, III et al. with Patent Number 5,991,823.

1. Regarding claim(s) 1, 12, 15, 18, 19, Arnold teaches network services component implementation. Arnold teaches a plurality of interfaces to communicate with service components, col. 3, lines 40-53. Arnold teaches an access point for the interface modules, col. 4, lines 20-26. Arnold teaches receiving service parameters, col. 5, lines

Art Unit: 2142

45-54. Arnold teaches dynamic optimization selection of service components, col. 7, lines 24-30. Arnold teaches the invention in the above claim(s) except for explicitly teaching interface modules as object code. In that Arnold operates to locate services, the artisan would have looked to the network services arts for details of implementing component service implementation. In that art, Cavanaugh, III, a related network services system teaches "ORB provides all the location and transport mechanisms and facilities necessary to deliver a call from a client (target object) and to return a response to the client" col. 5, lines 31-34 in order to provide data services. Cavanaugh, III specifically teaches "dynamic invocation interface is used to enable clients to construct dynamic requests", col. 6, lines 10-12. Further, Cavanaugh, III suggests that "implementation repository stores the information such as the server program, any arguments to the program, and any environmental variables to pass to the program, etc.≡, col. 7, lines 17-20 resulting from choosing a particular service. The motivation to incorporate objects insures a distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate objects as taught in Cavanaugh, III into the network services system described in the Arnold patent because Arnold operates with service modules and Cavanaugh, III suggests that interface modules can be implanted with objects. Therefore, by the above rational, the above claim(s) are rejected.

2. Regarding claims 2, 13, 20, Arnold teaches accessing objects by messages from said access point, col. 5, lines 12-27.

3. Regarding claims 3, 8, 21, 26, Arnold teaches receiving parameters via said access point col. 9, lines 1-12.

Art Unit: 2142

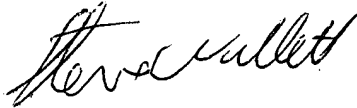
4. Regarding claims 4, 9, 22, 27, Arnold teaches receiving parameters via an external connection, col. 4, line 32.
5. Regarding claims 5, 10, 23, 28, Arnold teaches limiting the number of service components due to required parameters, col. 9, lines 4-5.
6. Regarding claims 6, 11, 17, 24, 29, Cavanaugh, III teaches business agreements or quality of service, col. 8, lines 22-27.
7. Regarding claims 7, 16, 25, Arnold teaches address translation, col. 3, line 60 and col. 7, lines 51-54.

#### *Conclusion*

8. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to implement cost metrics, thus a close review of them is suggested.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2142

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read "Stephan Willett", written in a cursive style.

July 8, 2005

Stephan Willett

Patent Examiner